City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D.M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3007919

Applicant Name: Radim Blazir

Address of Proposal: 5240 University Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a seven story 85 unit residential building with 4,500 square feet of retail at grade. Parking for 48 vehicles will be located within the structure. The existing structures will be demolished.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code (SMC) with Development Standard Departures:

1. **Vehicle access** – to allow primary vehicle access to parking from the alley (SMC 23.47A.032).
2. **Dimension of parking stalls** – to allow the compact parking stall dimension (7.5 by 14 feet) on 4 parking stalls (SMC 23.54.030A3 and 23.54.030E1).

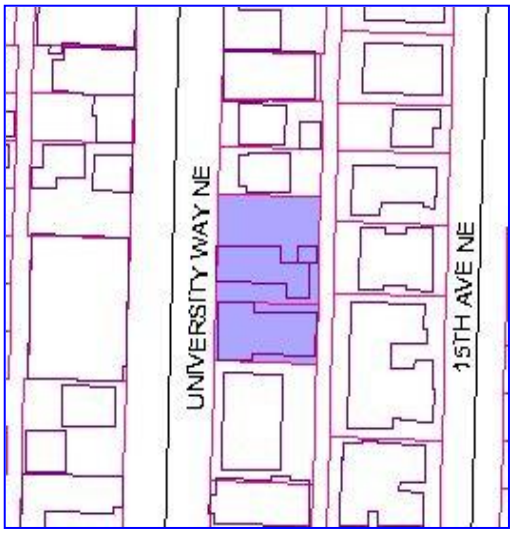
SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[X] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA



Site and Vicinity Description

The site, zoned NC3P-65 (Neighborhood Commercial 3 Pedestrian Overlay District with a 65 foot height limit (Urban Village Overlay) is located on the east side of University Way NE between NE 52nd and NE 54th Streets. The site consists of three parcels at 5240, 5244, and 5252 University Way NE. Existing structures, which will be demolished for the new construction, include a triplex, a seven unit apartment building, a single family residence, and accessory structures. There is a grade change of approximately 15 feet across the site. The neighborhood is a mix of zoning, building types, and occupancies representing diverse styles of architecture. The site is bounded on the north, south and west by neighborhood commercial (NC) zones, and a Lowrise 3 (L-3) zone across the alley to the east. The commercial zoning is generally limited to University Way NE, with lowrise multifamily zoning to the east and west and single family residential zoning beyond.

University Way NE is a north-south arterial, with a combination of commercial and multifamily structures. As part of the University Urban Center, University Way NE is also designated as a mixed use corridor with a lively pedestrian environment. Most of the commercial structures address the street with prominent sidewalk entries. The site and adjacent neighborhood are relatively steep, with a grade change of approximately 15 feet across the site from the alley to the sidewalk. Older residential buildings, such as the single family residences that have been converted to apartments, sit above the sidewalk with a high bank front yard.

Street parking is prominent along the block. The west side of University Way NE features continuous reverse-angle parking, with additional parallel parking along the east side of University Way NE. Although parking is not required for residential uses in this urban center, there is an apparent demand for additional parking. The nearest City Landmark is the University Heights Elementary School, at 5031 University Way NE. Other landmarks in the greater neighborhood are the Seattle Fire Station #17 and the University Library.

PROPOSAL DESCRIPTION

The applicants propose to construct seven stories of residential units (85 units) over a two story base with 4,500 square feet of ground floor retail and 48 parking spaces on the second floor. Vehicle access will be from the alley. Gross floor area would be approximately 76,715 square feet.

Public Comment

Three comment letters were received during the comment period which ended October 15, 2008 expressing concerns about the design of the west façade and allowing vehicle access to the garage from a pedestrian oriented street (University Way NE).

ANALYSIS – DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance at the November 5, 2007 Board meeting and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. The priority guidelines from the November 5, 2007 meeting are listed in bold, the *University Community Design Guidelines* are listed in bold with italics, and the Board's design guidance is listed in standard typeface followed by the architect's comments on his analysis of the site and development of design concepts in italics.

A-1 Respond to the Physical Environment

Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

The pedestrian-oriented streetscape is perhaps the most important characteristic to be emphasized in the neighborhood. The University Community identified certain streets as "Mixed Use Corridors". These are streets where commercial and residential uses and activities interface and create a lively, attractive, and safe pedestrian environment. University Way NE is a Mixed Use Corridor.

The Board prefers massing Concept C. The Board said massing Concept A was not interesting and could step back from the alley and the façade could be mitigated with articulation. The plinth facing the alley could help lessen the impacts and relieve some tension between the NC 3 65' and L3 zones to the residential development across the alley. The Board said the interface of the elevator and the roof was not good in the massing concepts and needs work. The Board said it is nice to have joint use open space up high, but the roof forms and mechanical equipment must be resolved and could be pulled down on the north, east, and west sides.

Massing option C was developed to reduce the scale along the alley to address the Lowrise 3 zoning across the alley to the east and to enhance the street front along University Way NE.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Minimizing shadow impacts is important in the University neighborhood. The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts onto adjacent public areas between March 21st and September 21st. This is especially important on blocks with narrow rights-of-way relative to other neighborhood streets, including University Way, south of NE 50th Street.

The Board said that providing a pedestrian path from the street to the alley is worth considering since the Board is considering departures to provide amenity areas. This is a long block so the Board asked the applicants to investigate a transition between the buildings for pedestrians. The Board would like to see a wider sidewalk, recessed building entries, street trees, green factor amenities, and curb bulbs at street level.

The sidewalk has been widened three feet and street level landscaping has been developed in coordination with the Seattle Department of Transportation (SDOT). The public connection between the alley and the street will not be incorporated, as discussed in the EDG meeting.

A-3 Entrances Visible From the Street

Entries should be clearly identifiable and visible from the street.

On Mixed Use Corridors, primary business and residential entrances should be oriented to the commercial street. Secondary and service entries should be located off the alley, side street or parking lots.

The Board said it is important to see the storefront and the rhythm and scale of the transparency, fenestration, and other detailing should respect and complement the character of the existing commercial development along this portion of University Way NE. The Board said the tree species, selection, and placement of the street trees should enhance the commercial storefronts.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

On Mixed Use Corridors, where narrow sidewalk exist (less than 15' wide), consider recessing entries to provide small open spaces for sitting, street musicians, bus waiting, or other pedestrian activities. Recessed entries should promote pedestrian movement and avoid blind corners.

The Board said the applicants should consider recessed entries but avoid blank corners or conflicts with bus stops. The architect can choose how to address this design issue. The Board said that given the length of the block, modulation along the streetscape in the form of recessed entries suggests a safe pedestrian environment. The Board said they would like weather protection over the sidewalk and to provide a gracious residential entry distinguished from the retail entries.

New development should be sited and designed to encourage human activity on the street. An extra wide sidewalk (10 feet) and commercial display areas will be provided with transparency along University Way NE. The residential lobby entrance will be set back an additional seven feet providing opportunities for landscaping and benches. A bike rack will be provided along the

street façade. The sidewalk will be partially protected by a structural building overhang and steel and glass canopies.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Special attention should be paid to projects in the zone edge areas as depicted in Map 2 to ensure impacts to Lowrise zones are minimized as described in A-5 of the Citywide Design Guidelines.

The Board would like to see better development of residential open space. The Board's preference is communal access to open space rather than private decks. The Board said they would prefer the entire plinth be developed with communal open space roof area, to the extent that it makes sense structurally for the portion which faces the alley. The Board suggested looking at some open space facing the street to address potential privacy concerns with neighbors.

Massing scheme 3 was developed to provide relief along the alley and scale the massing of the structure to address the Lowrise 3 zoning across the alley.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board said that the applicants should provide warnings for pedestrians at the garage door in the form of audible speakers, flashing lights, paving changes, or mirrors. The Board said they would not support giving up sight triangles at the garage entrance in return for mirrors.

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

Special attention should be paid to projects in the follow areas to minimize impacts of increased height, bulk and scale as stated in the Citywide Design Guideline. These areas are also depicted in Map 4…West of University Way between NE 52nd and NE 55th Streets.

The Board said that they would like to see a well articulated front façade on the MUP plans at the recommendation meeting. The Board said they would like to see a design gesture toward the Lowrise 3 zone across the alley and to see creative use of building massing. The Board noted that the new Park Modern building further north on University Way NE had the highest end retail tenant in the area and would like to see the same quality in the retail spaces to attract high end tenants to the building

Massing alternative C was developed to strengthen the façade along University Way NE and to provide opportunities for a strong retail street façade. By recessing the retail areas, pedestrian scale is emphasized with structural overhang and canopies. On the top level the top floor has been set back to provide relief and to decrease the scale from University Avenue NE. Vertical modulation and a change in materials further break up the scale of the façade facing University Way NE. The east façade along the alley is set back above the third floor to provide scale and massing relief for the apartments in the Lowrise 3 zone across the alley.

C-1 Architectural context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Although no single architectural style or character emerges as a dominant direction for new construction in the University Community, project applicants should show how the proposed design incorporates elements of the local architectural character, especially when there are buildings of local historical significance or landmark status in the vicinity. On Mixed Use Corridors, consider breaking up the façade into modules of not more than 50 feet (measured horizontally parallel to the street) on University Way and 100 feet on other corridors, corresponding to traditional platting and building construction. This should not be interpreted as a prescriptive requirement. When the defined character of a block, including the adjacent or facing blocks, is comprised of historic buildings, or groups of buildings of local historic importance and character, as well as street trees or other significant vegetation (as identified in the 1975 Inventory and subsequent updating), the architectural treatment of new development should respond to this local historical character.

The Board said to break up facades longer than 50 feet and "book-end" the long façade so it complements the Devonshire building. The Board said to do something different in the middle and provide a little modulation at the Devonshire so it meets the building graciously. The Board said street trees will help emphasize the character of the new building.

The ground floors and façade will be aligned with the Devonshire building abutting the site on the south. The Devonshire façade is also reflected by incorporating brick on the ground level and over the residential entry.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit and overall architectural concept. Buildings should exhibit form and features identifying he functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board said that since the building will be large and tall they prefer some replication of architectural features of gracious nearby buildings in the design scheme for the proposed building. The Board said they look forward to seeing a design scheme which will minimize the scale of the building. The Board said the architect's design aspirations should go as high as the Devonshire building.

The street façade along University Way NE will be enforced, while providing generous ground level dimensions and features to enhance the pedestrian experience and provide a catalyst to future pedestrian development of this section of University Way NE. The contemporary design, crisp detailing and durable sustainable materials selected for their low maintenance will enhance the facades and reinforce the streetscape. There will be modulation to the base, body and top including a material change break. Steel detailing on the canopies and balconies will bring the scale down to the human level.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

New buildings should emphasize durable, attractive, and well-detailed finish materials, including: brick, concrete, cast stone, natural stone, tile, stucco and stucco-like panels. Sculptural cast stone and decorative tile are particularly appropriate because they relate to campus architecture and Art Deco buildings. Wood and cast stone are appropriate for moldings and trim. Metal siding, wood siding and shingles, Vinyl siding, sprayed-on finish, and mirrored glass are discouraged. Awning made of translucent material may be backlit, but should not overpower neighboring light schemes. Lights, which direct light downward, mounted from the awning frame are acceptable. Lights that shine from the exterior down on the awning are acceptable. Light standards should be compatible with other site design and building elements.

The Board said to bring a materials board to the recommendation meeting showing the exterior finish materials. The Board said to consider extra materials on the ground floor and corners such as a moderate amount of brick. The Board said the applicants should commit to high quality durable materials in return for approval of the departure.

Building exterior will be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials will have texture, pattern, or lend themselves to a high quality of detailing. The ground level will be a combination of an aluminum storefront system, with brick veneer. Additional detail will be provided with galvanized canopies and benches. The main body is a combination of brick, Minerit integral color panels and a galvanized railing. Portions of the facade hidden by the building on the adjacent building will be made of CMU. The top portion will be a combination of corrugated metal panels and Minerit panels.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board said the driveway should be large enough to safely accommodate two-way traffic to prevent pedestrian/auto conflicts.

The garage entrance is from the alley. There will be no vehicular access from University Way NE.

D-5 Visual Impacts of Parking Structures

The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

The preferred solution for parking structure is to incorporate commercial uses at the ground level. Below-grade parking is the next best solution for parking. There should be careful consideration of the surrounding street system when locating auto access. When the choice is between an arterial and a lower volume, residential street, access should be placed o the arterial. Structured parking facades facing the street and residential areas should be designed and treated to minimize impacts, including sound transmission from inside the parking structure.

The Board said the blank walls on the alley should have detail and consideration should be paid to the concrete or other material on the base of the building. The Board suggested providing a green wall on the alley as optional façade treatment to meet the green factor. The Board said to design a garage entrance that will be sensitive to the lower scale of the Lowrise 3 zone across the alley.

On the alley side, the podium wall facing the alley will be finished in architectural concrete with an attached galvanized screen to provide a growing surface for vegetation.

D-6 Screening of Dumpsters, Utilities and Service Areas

Buildings sites should locate services like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board said the dumpsters should be screened.

Dumpsters are proposed to be located within the structure. A rollup door will be used to prevent visual and odor nuisance.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board said there should be commercial lighting on the site (including the alley) which is shielded and directed away from the Lowrise 3 zone across the alley, but still provides security lighting. The Board said they would encourage a departure to provide a waiting space inside or outside the building for the safety of pedestrians, residents of the building, and those waiting for a bus.

The façade along University Way NE will be lighted from the structural overhang above and from the retail storefronts. Wall mounted commercial lighting, shielded away from the lowrise zone will be provided along the alley.

D-8 Treatment of Alleys

The design of alley entrances should enhance the pedestrians' street front.

The Board said to provide an attractive pedestrian entrance from the alley which will be compatible with the residential development across the alley.

No primary residential entrance is planned from the alley. The emergency exit is recessed, well lit, and covered with a canopy.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board emphasized the importance of providing street trees and selecting the appropriate species which will enhance existing street trees, the proposed building, and the pedestrian experience along University Way NE.

The Seattle Department of Transportation (SDOT) proposed street tree and planting area locations during a meeting with the architect. Additional landscaping is proposed along both sides of the residential lobby entrance. Street tree spacing and location will follow the established pattern along University Way NE.

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board said they support the proposed departure but usually something is given back in return for the departure, so they would like to see a green factor gesture toward the pedestrian environment and more sidewalk amenities.

The landscaping will enhance the pedestrian experience and the streetscape along University Way NE and provide a lush private and public deck on the third level podium. Landscaping on that deck is designed to enhance the alley (the green walls) as well as provide privacy from the adjacent site and provide a green visual relief for occupants of the neighboring structures.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Landscaping, including living plant material, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Retain existing large trees wherever possible.

The Board said the "sawtooth" angle parking along the street needs a traffic calming device like a big round curb bulb instead of an elongated sidewalk. The Board said the applicants should talk to SDOT for a solution to the street improvements on this part of the block.

The architect consulted with SDOT about different landscaping arrangements along University Way NE, such as extending the landscaped bulbs between the onstreet parking and providing a landscaped median. However, the recommended direction from SDOT was to provide the landscaping as originally proposed on the MUP plans. SDOT voiced a concern, shared by neighbors during the public meeting, that additional landscaping will affect the amount of onstreet parking available.

Master Use Permit Application

The applicant applied for a Master Use Permit on September 12, 2008.

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY: JANUARY 5, 2009 MEETING

The Design Review Board met on January 5, 2009 to review the applicant's formal project proposal, developed in response to their identified priorities. Four Board members were in attendance. At this public meeting site plans, elevations, floor plans, and landscaping plans as well as elevation sketches and renderings were presented for the Board members' consideration. By the final meeting, the applicant had refined the elevations. The applicant requested two departures from the City's Land Use Code.

ARCHITECT'S PRESENTATION

The project is a 7 story, 85 unit mixed use building with 48 parking spaces on the second floor located on University Way NE in an Urban Center and a pedestrian designated street. There will be 76,000 square feet of residential area and 45,000 square feet of commercial area on the ground floor. Vehicular access to the parking will be from the alley. Two development standard departures are requested for alley access and to allow 4 parking spaces to vary dimensionally. The alley separates the project site from the Lowrise 3 zone to the east. There is a significant grade change from the alley to the street. The massing of the preferred option at the early design guidance meeting was selected which creates a generous pedestrian access by pulling the first floor into the building. The upper stories of the building are set back from the alley to allow more sunlight to the open space and green wall. Some modulation was introduced horizontally. Architectural concrete with a green wall trellis for durability and the long-term effect will be provided on the east alley façade. All access to trash service will occur from the alley with a trash enclosure on the northeast corner. The sidewalk is protected by a glass and steel canopy which will be internally lit with signage on the canopy. A more generous entry with benches will be provided as well as cast in place planters. Most of the residential units will be small studios

and one bedroom unit for students and other University related housing. Aluminum storefront windows and brick will be provided on the ground floor. In addition, a slate-scape material fiber cement which is not painted will maintain the appearance along with galvanized corrugated metal as contrast. Two contrasting colors will be used on the middle of the building. The semi-private decks are separated to provide a sense of privacy of individual units. Yellow is proposed for the face brick. Some unpainted materials are used as contrasting materials.

DPD staff requested color options, so a second color option was presented. Second story openings are proposed as open grates for ventilation for the garage. The north and south facades will not be visible because they adjoin the property lines and will be constructed from CMU units and corrugated galvanized metal. Two areas of landscaping will be provided along University Way NE with street trees and planting areas, and along the back of the building on the green wall and the open space. SDOT strongly directed the architect to maintain the existing planting pattern with a four foot wide by varied length in the sidewalk area. Permanent planters are proposed to anchor the residential entry. On the east side of the building the open space will have hardscape decking, a vegetated roof with 4 levels, 2 levels of permanent planters along the edge will allow a separation of units and a sense of privacy. The architect used the balance of his time to outline the design response to each of the Design Guideline priorities identified at EDG, below. The Departure Requests which were discussed are also tabulated below.

PUBLIC COMMENT

One neighbor said he is concerned the corrugated galvanized siding with the scalloped shape will look like "Farmer Brown's" barn. He said it screams cheap and cheesey and could look like they ran out of money. He recommended that other aluminum materials be used instead for the siding. He applauded the fibrous concrete and green roofs and said he would like to see more green walls and roofs and use City Light for the build smart and energy star programs. The architect responded that the owner wants to go in this direction and that there are different profiles of corrugated product. Aluminum is not much more expensive.

A second neighbor said he lived on this block for 12 years and the alley side green wall provides relief so the building will become part of the neighborhood. He worked on the University Community Design Guidelines. He asked that the marquee and second story parking level be integrated with the ground level commercial base. The architect responded that raising the height of the canopy above 11 feet would not protect pedestrians from the weather. He suggested a higher canopy over the entrances to the commercial spaces and primary residential entrance and lower canopies along the rest of the commercial frontage.

A third neighbor asked if there was any consideration of salvaging building materials from the structures to be demolished for second use. The architect responded that was a possibility. The owner of a business across the street said he was excited about the project overall and asked about the size of the commercial spaces.

DEVELOPMENT STANDARD DEPARTURES

The applicant proposed the following development standard departures. The Board indicated that they will continue to entertain the departure requests. The architects should design a creative

project that would meet both the owner's program and the design guidelines above. However, the Board's recommendations on the requested departures will be reserved until the final board meeting and will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure.

DEVELOPMENT STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
23.47A.032A2c	In a pedestrian designated zone, if the lot does not abut an improved alley, and abuts only a principal pedestrian street or streets, access is permitted from the principal pedestrian street, and limited to one two-way curb cut.	To provide vehicle access to the required parking in the garage from an unimproved alley instead of the principal pedestrian street.	To provide an uninterrupted pedestrian sidewalk along University Way NE. without a curb cut. Topographic conditions and the lot size make interior ramping infeasible to provide two levels of parking.	Board recommended approval of the departure per design guidelines A-4, A-6, A-8.
23.54.030A3 and 23.54.030E1	"Small vehicle" means the minimum size of a small vehicle parking space shall be seven and one-half (7 ½) feet in width and fifteen (15) feet in length. Parking aisles shall be provided according to the requirements of Exhibit 23.54.030D (20 feet).	To provide three stalls measuring 7 ½ by 14 feet in order to maintain the 20 foot wide aisle width while allowing a one foot modulation on the west façade.	To maximize the number of parking stalls on the one level of parking while maintaining a 20 foot aisle width.	Board recommended approval of the departure per design guidelines A-9, D-5.

Design guidelines A-4, A-6, and A-8 encourage human activity on the street, a space between the building and sidewalk for social interaction among residents and neighbors, and minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety. The development standard departure to provide vehicle access from the alley instead of the street is supported by these design guidelines.

Design guidelines A-9 and D-5 encourage minimizing parking on a commercial street front, minimizing the visibility of all at-grade parking structures or accessory parking garages, and ensuring the parking portion of a structure is architecturally compatible with the rest of the structure and streetscape. The development standard departure to allow three small parking stalls is supported by these design guidelines.

Summary of recommendations: After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities the four Design Review Board members came to the following recommendations on how the applicant met the identified design guidelines.

BOARD DELIBERATION AND RECOMMENDATIONS

The Board said the proposed massing meets expectations. However, since the building is against the alley, it needs some architectural refinements. The Board said a lot of things about the design are going right and it is a good design solution. The Board cautioned the architect to not redesign. The Board said the parking has been skillfully handled including the location and design of the vents because how the openings are treated is critical to the design. The Board said the proportions are elegant, but the renderings show no shadows on the face of the building so the grills on the parking level do not read as deep.

The Board said the design achieves a lot through rhythm and elegance, but the renderings look different than the elevations in some respects. The Board said the architect should consider the different uses in the mixed use building and how much light will emanate from the building at night. The Board said the exterior of the parking level does not look the same on the west façade as the residential levels above. The Board said they like the green sign instead of a quiet color because the green just pops. The Board said there is mostly a tonal color difference and although the rendering seems very dark, the elevations seem to use lighter colors. The Board said the colors shown on the digital materials page (on the first page of the recommendation packet) are very close to the colors shown on the elevations, and recommended that an accent color is needed.

The Board said they are nervous about using raw, galvanized metal because it rusts and scratches, so the Board recommended a better quality spectral shiny material which will provide some depth to it along the roofline. The Board said that although the design is elegant, the right materials must be used. The right materials, reveals, cornice or parapet caps where the plane of the vertical facades meet the sky could benefit from a razor sharp coping line that sticks out as a shadow line for the parts that protrude the most. The Board said they would have preferred to have two parking spaces removed on University Way NE and replaced with landscaping, but the Board understands that SDOT has jurisdiction in the street right-of-way and SDOT wants the parking to remain. The Board said the canopy height was very tall for the retail floor and they recommend that the design have a quality treatment to the inner side of the soffit. The Board liked the architectural finish to the concrete walls and said the reveals will have galvanized mesh for visual interest while the plants are growing. The Board said there is the potential for the planters to conflict with the retail spaces and the landscaping should have irrigation which could come from rainwater collected from the roof using hose bibs.

DIRECTOR'S ANALYSIS: DESIGN REVIEW

With respect to the design of the project, the Director concludes that the design has successfully responded to the Design Review Board's guidance. For this reason, the Director concurs with the Design Review Board's recommendations and **approves** the subject design as presented in the official plan sets on file with DPD.

DECISION - DESIGN REVIEW

The proposed design and the requested development standard departures are **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated September 12, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.66

5) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient "mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park onsite in the parking garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The proposal site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that [1]would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demand created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gasses thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increases in carbon dioxide and other greenhouse gas emissions and increased light and glare.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gasses due to the increased energy and transportation demand may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by conditions.

Drainage

Rain water on roofs and on the driveways is the major source of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining street. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA.

Earth

The site is not located in an environmentally sensitive area. A geotechnical report was submitted with the application and was reviewed by the DPD geotechnical engineer. The report indicated that the proposed structure appears feasible to construct on this site provided the recommendations in the report are incorporated into the design including shoring of the adjacent properties and the alley to allow for the excavation of the site, using the immediate neighborhood for storage, precisely locate all nearby utilities and building footings both horizontally and vertically, prior to structure design, use of shallow foundations with some over-excavation and replacement with compacted spall rock, capture and channel all roof, surface, and subsurface drainage into a properly engineered discharge facility, and develop the project during the wet winter months using typical erosion control measures. Recommendations were made regarding foundations, seismic design, site drainage, excavations and slopes, floor slab subgrade, earthwork and structural fill, wet weather consideration, and quality control. Compliance with these conditions and the requirements of the Grading and Drainage Ordinance is required. Therefore, no mitigation of earth or drainage impacts will be required pursuant to Section 25.05.675 of the Seattle SEPA Ordinance.

Height, Bulk, and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project in an NC3P 65'zone as determined by the Design Review Board's review and unanimous approval without conditions. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Historic Preservation

A Historic and Cultural Resource Report was submitted with this application. Building information summaries, architectural descriptions, and historical significance was provided for existing buildings at 5234, 5240, 5244, and 5252 University Way NE. This information is required as part of an interdepartmental agreement with the Department of Neighborhoods and requires a review of potentially eligible landmarks for commercial project over 4,000 square feet in area. The report meets the requirement, therefore, no additional SEPA mitigation of historic preservation impacts is warranted pursuant to Section 25.05.675H of the Seattle SEPA Ordinance.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that apartment buildings generate 6.1 vehicle trips per day per unit, and a retail store would generate 44.32 vehicle trips per day per 1,000 square feet of gross floor area. Based on the estimates in the Trip Generation Manual the 85 units would generate approximately 519 vehicle trips per day and the ground floor retail portion of the building would generate approximately 466 trips per day, a total of 985 trips per day. The availability and proximity of transit and a future light rail station will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The proposed units are within walking distance from the University of Washington and several bus routes along University Way NE which travel to downtown Seattle employment centers. The site has ready vehicle access to two arterials (NE 50th Street, University Way NE, 15th Avenue NE, and Roosevelt Way NE) and a freeway (Interstate 5). The volume of traffic along University Way NE is moderate and nearby intersections operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The 48 parking spaces provided on-site in the parking garage would exceed the code requirement (.5 spaces per unit) University Urban Center and are expected to accommodate the parking demand generated by the project. Car ownership by the occupants of the units is anticipated to be lower than average due to the centralized location of the building, accessibility to transit and light rail, and proximity to the University of Washington. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

SUMMARY

In conclusion, several adverse effects on the environment are anticipated resulting from the proposals which are nonsignificant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

DESIGN REVIEW CONDITIONS

Prior to issuance of the Master Use Permit

1. The architect shall identify on the plans a quality treatment to the inner side of the soffit.

SEPA CONDITIONS

During Construction

The owner(s) and/or responsible party(s) shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

2. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 am to 6:00 pm and Saturdays from 9:00 am to 6:00 pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic powered equipment may be allowed provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition.

   Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

3. Construction workers shall park onsite in the parking garage as soon as the building is enclosed.

Prior to Issuance of a Final Certificate of Occupancy

Compliance with the approved Master Use Permit plans must be verified and approved by the Land Use Planner assigned to this project (Malli Anderson, tel. 233-3823) or by the Supervising Senior Land Use Planner for the area where the project is located (Vince Lyons, tel. 233-3823), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of any final inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: June 8, 2009
Malli Anderson, Land Use Planner
Department of Planning and Development

MJA:lc

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